

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 22-20194-CR-MARTINEZ

UNITED STATES OF AMERICA

vs.

WILLIAN ALEXANDER POSADA SANDREA,

Defendant.

**UNITED STATES OF AMERICA’S MOTION FOR
REVOCATION AND DECLARATION OF BOND FORFEITURE**

The United States of America (the “United States”), pursuant to Rule 46 of the Federal Rules of Criminal Procedure, moves the Court for an Order revoking and declaring the forfeiture of the defendant Willian Alexander Posada Sandrea’s appearance bond consisting of a \$250,000 personal surety bond.

BACKGROUND

1. On December 15, 2021, the defendant executed a personal surety bond in the sum of \$250,000 to guarantee his appearance as ordered by the Court. The defendant signed the bond, promised to obey all conditions, and acknowledged that he was aware of the possible penalties for violating the terms of the bond. The bond was co-signed by the defendant’s mother, Erica Sandrea, and common-law wife, Mayara Marin. (Dkt. No. 10.)

2. On August 9, 2022, the Court adjudicated the defendant guilty of Conspiring to Commit Bank Fraud in violation of 18 U.S.C. § 1349. (Dkt. No. 39.) The Court scheduled sentencing for November 14, 2022. (Dkt. No. 49.)

3. The defendant violated the terms of his appearance bond by failing to appear for his sentencing hearing. (Dkt. No. 61.)

4. During the scheduled sentencing hearing, in light of the defendant's failure to appear, the Court, in an *ore tenus* Order, estreated the bond and issued an arrest warrant. (Dkt. No. 61.)


MEMORANDUM OF LAW

Rule 46(f)(1) of the Federal Rules of Criminal Procedure provides that "[t]he court must declare the bail forfeited if a condition of the bond is breached." The Eleventh Circuit has held that a Rule 46 forfeiture is mandatory even though it may later be set aside. *See American Druggists Ins. Co., Inc. v. Bogart*, 707 F.2d 1229, 1235 n.5 (11th Cir. 1983).

CONCLUSION

WHEREFORE the United States of America respectfully requests that this Court enter an Order revoking and declaring the forfeiture of the defendant's appearance bond. A proposed Order is attached.

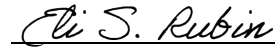
JUAN ANTONIO GONZALEZ
UNITED STATES ATTORNEY



Eli S. Rubin
Assistant United States Attorney
Court ID No. A5502535
99 N.E. 4th Street
Miami, Florida 33132
(305) 961-9247
Email: Eli.Rubin@usdoj.gov

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on November 28, 2022, I electronically filed the foregoing with the Clerk of the Court using CM/ECF.



Eli S. Rubin